

Members

Sen. Luke Kenley
Sen. Anita Bowser
Sen. Sue Landske
Sen. Sam Smith, Jr.
Rep. Robert Behning
Rep. Ralph Foley
Rep. John Frenz
Rep. Robert Kuzman
William Harvey
Gene Leeuw
Joyce Martin
Dave Remondini
Heather Sewell
Judge John T. Sharpnack
Jennifer Thuma



CODE REVISION COMMISSION

Legislative Services Agency
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LSA Staff:

John J. Stieff, Attorney for the Committee

Authority: IC 2-5-1.1-10

MEETING MINUTES

Meeting Date: November 01, 2001
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. Luke Kenley; Sen. Sue Landske; Sen. Sam Smith, Jr.; Rep. Robert Behning; Rep. Ralph Foley; Rep. John Frenz; Chief Judge John T. Sharpnack, Indiana Court of Appeals; Ms. Jennifer Thuma, representing Attorney General Steve Carter; Ms. Heather Sewell, representing Secretary of State Sue Ann Gilroy; Ms. Joyce Martin, representing Governor Frank O'Bannon; Mr. Gene Leeuw.

Members Absent: Sen. Anita Bowser; Rep. Robert Kuzman, Chairman; Mr. Dave Remondini, representing Chief Justice Randall T. Shepard, Indiana Supreme Court; Professor Emeritus William Harvey.

Staff Present: Mr. John Stieff, Director, Office of Code Revision; Mr. Craig Mortell, Deputy Director, Office of Code Revision; Mr. Tim Tyler, Recodification Editor and Senior Staff Attorney, Office of Bill Drafting and Research; Mr. Dick Sheets, Editorial Assistant, Office of Code Revision.

I. CALL TO ORDER

The meeting was called to order at 1:40 p.m. by Senator Luke Kenley, Acting Chairman, in the absence of Representative Robert Kuzman, Chairman.

II. INTRODUCTORY REMARKS

Mr. John Stieff, Director of the Office of Code Revision of the Legislative Services Agency, reported that Representative Kuzman, Commission Chairman, was unable to attend following the arrival of a newborn son. Senator Kenley then asked the Commission

to sign a card of congratulations to be sent to the Kuzman family.

Mr. Stieff noted it was appropriate that the Commission was meeting today, the 150th anniversary of the Constitution of the State of Indiana.

A change to the minutes sent to Commission members was noted with the addition of Ms. Priscilla Keith, representing Governor Frank O'Bannon, to the list of members present.

III. REVIEW OF MINUTES

The Commission approved by consent the minutes of the Commission's last meeting on October 2, 2001.

IV. PROPOSED TECHNICAL CORRECTIONS BILL

Mr. Craig Mortell, Deputy Director, Office of Code Revision, presented the following background information about the 2002 technical corrections bill: The Code Revision Commission approved the technical corrections draft (PD 3226) that was presented to the Commission on October 2. However, the Commission authorized the Office of Code Revision (OCR) to submit proposed additions to the technical corrections bill at the Commission's next meeting if any additional technical problems suitable for resolution in the bill were brought to OCR's attention.

Mr. Mortell then presented PD 3571, a draft representing a proposed addition to the technical corrections draft approved on October 2. He explained that PD 3571 would correct three faulty internal references to the crime of child selling, and that the need for these corrections had only recently been brought to OCR's attention by Andrew Hedges, an attorney in the Office of Bill Drafting and Research.

Mr. Mortell offered to answer questions from the Commission about PD 3571 or the technical corrections bill, but no questions were asked.

The Commission approved PD 3226 by consent.

V. TITLE 32 RECODIFICATION

Mr. Tim Tyler, Legislative Services Agency Senior Staff Attorney and Recodification Editor, presented PD 3334, which makes amendments to 95 Indiana Code provisions outside IC 32 to conform to the Title 32 recodification. Mr. Tyler explained to the Commission that in every recodification, the current law is always repealed and the repealed Indiana Code provisions are all given new citations, requiring changes in cross-references.

Representative Foley also discussed PD 3364, which was drafted by Mr. Tyler, that addresses several issues in IC 32 discussed at the October 2 meeting that are substantive in nature and cannot be amended or included in the recodification bill. PD 3364 would: (1) specify that if a rental agreement is terminated, all of the security deposit, minus certain expenses, held by the landlord must be returned to the tenant within 45 days after the termination of the rental agreement and not at the time the rental agreement is terminated; (2) remove a prohibition against appealing the decision of a court in eminent domain proceedings involving municipalities when the court rehears the matter of the assessment de novo and confirms, lowers, or increases the assessment; and (3) repeal provisions restricting the rights of aliens to hold and convey property in Indiana. Representative Foley also said he might pursue legislation to address the two conflicting ejectment and quiet title provisions in IC 32.

Mr. Tyler said LSA is in the process of double-checking that all the current IC 32 provisions are in PD 3001. When that project is completed, PD 3001 will be combined with PD 3334 to create the introduced version of the IC 32 recodification bill. Mr. Stieff told Sen. Kenley the bill would be ready for introduction on Organization Day.

VI. BILL PREPARATION STATEMENTS

Mr. Stieff asked the Commission for approval to include the statement "The introduced version of this bill was prepared by the Code Revision Commission" on the technical corrections bill and the recodification of Title 32. The commission agreed by consent.

VII. DRAFTING STYLE FOR REPEALERS

Mr. Stieff reported the Legislative Services Agency has received some interest in changing the form of repealers as they appear in introduced bills. Suggestions have included either printing the entire repealed text under a repealed heading or printing the entire repealed text and showing it as being stricken. Current style is to list the affected citations by Indiana Code number.

The Office of Code Revision has not taken a position for or against the suggested change, Mr. Stieff said. He noted that of the 19 states responding to a survey, 16 use the same style as Indiana while Arkansas, Colorado, and Missouri either print the full text or print the full text stricken.

The primary benefit of printing the full text is that it allows the reader to see exactly what is being repealed, Mr. Stieff said. Arguments against printing the entire text are the increased costs and the additional time required. He cited the recodification of Title 32 as one example. That one bill, which requires the repeal of the current 15 Articles, would add about 250 pages to the bill, increasing its size from 500 to 750 pages. Other concerns, he noted, are potential drafting problems and longer committee hearings.

In an attempt to meet the needs of the General Assembly, the Legislative Services Agency is placing greater emphasis on explaining what is being repealed in proposed legislation in the digest synopsis of the introduced bill, Mr. Stieff said.

No motions were made to change the style for repealers. Senator Kenley felt it would be wise to see how well the greater emphasis on repealers in the digests works before considering a style change for repealers.

VIII. ADJOURNMENT

The meeting was then adjourned by the Acting Chairman at 2:10 p.m.